

RE: Petition to withdraw holding of abandonment for Patent 09/916,701, "Method for Shifting the Bandgap Energy of A Quantum Well Layer"

Dear Sir/Madam:

I called the paralegal of your "Office for Petition Examiner" and spoke to Mr. Tom Hawkins (703-305-8380) and he advised me to send you our document with respect to the above matter. Please process the enclosed document (total 26 pages).

We have been awaiting the award of the above patent that had been allowed on March 14, 2003. The patent office probably mistakenly abandoned the patent on ground that it did not receive our final set of drawings (See attached Document page 6) while we had actually sent them on time.

A petition to "withdraw holding of abandonment" was sent to the patent office to correct the error. This was sent by our patent lawyer Alan Limbach of Gray Cary on 9 September 03 (page 1 of enclosed Document) with the enclosure of a return postcard and document to show our timely mailing date of 22 July 03 (page 8 of enclosed Document). The letter showed our timely submittal and possible Patent Office error.

We have not heard from the Patent Office since and are eager to see the award of the patent. Please let me know if the patent will be awarded soon. In case there is any question, I can be contacted at 224-588-0958 (cell) or my assistant Dr. Jing Ma at 847-208-3918 at any time. Thanks.

Best regards,

Seng-Tiong Ho

120 Picardy Lane
Wheeling, IL 60090
224-588-0958

3 July 04

Atty Dckt Number: 2103248-990140PATENT

- 1 -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BOON-SIEW OOI et al.

Application No. 09/916,701

Filed: July 26, 2001

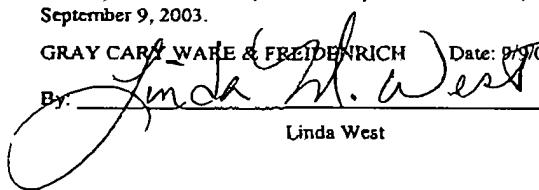
For: METHOD OF SHIFTING THE
BANDGAP ENERGY OF A QUANTUM
WELL LAYER

Group Art Unit: 2812

Examiner: SAVITRI MULPURI

**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT**2000 University Avenue,
East Palo Alto, CA 94303-2248
(650) 833-2000CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450, on September 9, 2003.

GRAY CARY WARE & FREIDENRICH Date: 9/9/03
By: 
Linda West

Commissioner for Patents
PO Box 1450
Mail Stop: Issue Fee
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to withdraw the holding of abandonment in the present application, as evidenced in the Notice of Abandonment mailed September 2, 2003 (copy submitted herewith).

According to the Notice of Abandonment, the present application was abandoned due to Applicants' alleged failure to timely file new formal drawings as required in the Notice of Allowability, namely that no new formal drawings were received.

Applicants submit that new formal drawings were indeed timely submitted in the present case. Submitted herewith is a true and correct copy of Applicant's response to the Notice of Allowance, which included:

1. Transmittal Form
2. PTOL 85B Fee Transmittal

Atty Dckt Number: 2103248-990140

PATENT

- 2 -

3. Fee Transmittal.
4. Submission of Formal Drawings transmittal.
5. 13 Sheets of Formal Drawings.
6. Check for \$950.
7. Certificate of First Class Mailing
8. Return Postcard.

Also submitted herewith is a true and correct copy of the stamped postcard receipt, which is prima facie evidence under MPEP 503 of receipt in the USPTO of all items listed thereon, including the 13 sheets of formal drawings.

Therefore, it is respectfully requested that the abandonment of the present application be withdrawn.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH

Dated: Sept. 9, 2003

By: Alan A. Limbach

Alan A. Limbach
Reg. No. 39,749

Attorneys for Applicant(s)

TELEPHONE: (650) 833-2433 (direct line)

TELECOPY: (650) 833-2001

Gray Cary\EM\7149888.1
2103248-990140



UNITED STATES PATENT AND TRADEMARK OFFICE

AAL

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,701	07/26/2001	Boon-Siew Ooi	021040-000800US	9267
26379	7590	09/02/2003		
GRAY CARY WARE & FREIDENRICH LLP 2000 UNIVERSITY AVENUE E. PALO ALTO, CA 94303-2248			EXAMINER	
			MULPURI, SAVITRI	
		ART UNIT	PAPER NUMBER	
		2812	P 1612	
DATE MAILED: 09/02/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

RECEIVED

SEP 8 2003

GRAY CARY
WARE & FREIDENRICH

Mail Stop Issue Fee
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No. 2103248-990140

Mailed: September 9, 2003
U.S. Serial No. 09/916,701
Filed July 26, 2001

Enclosed are:

- 1) Transmittal Cover Sheet;
- 2) Petition to Withdraw Holding on Abandonment with Attachments; and
- 3) Return postcard.

2103248-990140 Phosistor Technologies AAL/lmw

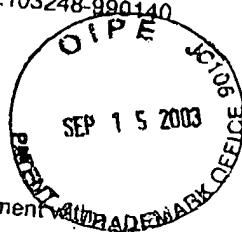
Mail Stop Issue Fee
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mailed: September 9, 2003 Docket No. 2103248-990140
U.S. Serial No. 09/916,701
Filed July 26, 2001

Enclosed are:

- 1) Transmittal Cover Sheet;
- 2) Petition to Withdraw Holding on Abandonment with Attachments; and
- 3) Return postcard.

2103248-990140 Phosistor Technologies AAL/lmw



Mail Stop Issue Fee
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No. 2103:

Mailed: September 9, 2003
U.S. Serial No. 09/916,701
Filed July 26, 2001

Enclosed are:

- 1) Transmittal Cover Sheet;
- 2) Petition to Withdraw Holding on Aban-
- 3) Attachments; and
- 3) Return postcard.

2103248-990140 Phosistor Technol

GRAY CARY
WARE & FREIDENRICH
LIMITED LIABILITY PARTNERSHIP
2000 University Avenue
East Palo Alto, CA 94303-2248

Please type a plus sign (+) inside this box

PTO/SB/21 (08-00)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/916,701
		Filing Date	July 26, 2001
		First Named Inventor	Boon-Siew Ooi et al.
		Group Art Unit	2812
		Examiner Name	Savitri Mulpuri
Total Number of Pages in This Submission		Attorney Docket Number	
		2103248-990140	

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <input type="checkbox"/> Petition to Withdraw Holding of Abandonment
Remarks		
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)		
<input type="checkbox"/> Extension of Time Request		
<input type="checkbox"/> Express Abandonment Request		
<input type="checkbox"/> Information Disclosure Statement		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

 Customer Number or Bar Code Label

26379

(Insert Customer No. or Attach bar code label here)

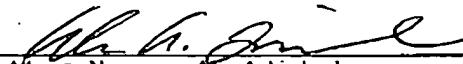
The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to
Deposit Account No. _____ A duplicate copy of this sheet is enclosed.

Respectfully submitted,

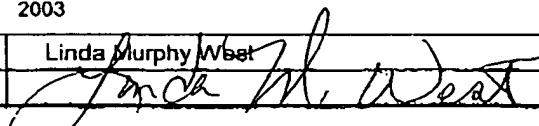
GRAY CARY WARE & FREIDENRICH LLP

Dated: September 9, 2003

By:


 Attorney Name Alan A. Limbach
 Reg. No. 39,749
 Attorneys for Applicant(s)
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Box 1450, Alexandria, VA on this date: September 9, 2003

Typed or printed name	<u>Linda Murphy West</u>	Date	<u>September 9, 2003</u>
Signature			

Gray Cary\EM\7149934.1
2103248-990140Gray Cary\EM\7149934.1
2103248-990140



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
077716,701			

EXAMINER

ART UNIT	PAPER NUMBER
	P1#12

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

Applicant's failure to timely file a proper response to the Office letter mailed on _____.

A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.

A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)

No response has been received.

Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.

The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.

The issue fee has not been received.

Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.

The proposed new formal drawings filed _____ are not acceptable.

No proposed new formal drawings have been received.

The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380

Respond to the Notice of Abandonment by one of the following:

Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f).

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA 22313-1450

By facsimile: 703-305-8755 or 703-305-4372

Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.

PTO/SB/05 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/916,701
		Filing Date	July 26, 2001
		First Named Inventor	Boon Siew Ooi
		Art Unit	2812
		Examiner	Savitri Mulpuri
Total Number of Pages in This Submission	21	Attorney Docket Number	2103248-990140

ENCLOSURES (Check all that apply)

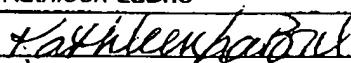
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Fee Attached - \$950.00 <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) Formal - 13 sheets <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTOL-85 Part B (in duplicate) Letter to Draftsperson (in duplicate) Return Postcard	
		Remarks	
		The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1898. A duplicate copy of this sheet is enclosed.	
		Customer Number 26379	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Alan A. Limbach, Reg. No. 39,749 Gray Cary Ware & Freidenrich LLP
Signature	
Date	July 22, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed	Kathleen LaBrie
Signature	
	Date
	July 22, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 950.00)

Complete If Known

Application Number	09/916,701
Filing Date	July 26, 2001
First Named Inventor	Boon Siew Ooi
Examiner Name	Savitri Mulpuri
Art Unit	2812
Attorney Docket No.	2103248-990140

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account

Deposit Account Number
Deposit Account Name
07-1896

Gray Cary Ware & Freidenrich LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee			
1002 330	2002 165	Design filing fee			
1003 520	2003 260	Plant filing fee			
1004 750	2004 375	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL(1) (\$)		0.00			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			-3** =	X	=

Large Entity	Small Entity	Fee Description
1202 18	2202 8	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 8	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		0.00

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 86	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action -	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2263 485	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	650.00
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)		Publication. Fee (\$300)	300.00
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)	950.00

(Complete if applicable)

Name (Print/Type) Alan A. Limbach Registration No. (Attorney/Agent) 39,749 Telephone 850-833-2433

Signature  Date July 22, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-788-9199) and select option 2.

GRAY CARY WARE & FREIDENRICH

401 B STREET, SUITE 2000 SAN DIEGO, CA 92101

CHECK NO.:

541016

INVOICE	DATE	AMOUNT	
7/21/03 22260-1	07-21-03	950.00	2103248-990140 K. LaBrie x2438

VENDOR ID: cpt

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

GRAY CARY WARE & FREIDENRICH
401 B STREET, SUITE 2000
SAN DIEGO, CA 92101-4240COMMERICA - Comerica Glass
Comerica Bank & Trust, NA

CHECK NO. 541016

DATE 07/21/03

AMOUNT OF CHECK
950.00

NINE HUNDRED FIFTY AND 00/100 U.S. Dollars

GRAY CARY WARE & FREIDENRICH
GENERAL ACCOUNTPAY
TO THE
ORDER OF

COMMISSIONER OF PATENTS & TRADEMARKS

Dwight M. M.
Dwight M. M.
Valid for 180 days

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

541016# 1072404786# 217698908 1#

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Box ISSUE FEE**
Commissioner for Patents
Washington, D.C. 20231
Fax (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly check up with any corrections or use BLOCK 1)

26379 7590 04/22/2003
GARY CARY WARE & FREIDENRICH LLP
1755 EMBARCADERO ROAD
PALO ALTO, CA 94303-3340
2000 University Avenue
Palo Alto, CA 94303-2248

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Kathleen LaBrie	(Depositor's name)
<i>Kathleen LaBrie</i>	(Signature)
July 22, 2003	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,701	07/26/2001	Boon-Siew Ooi	021040-000800US	9267

TITLE OF INVENTION: METHOD FOR SHIFTING THE BANDGAP ENERGY OF A QUANTUM WELL LAYER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	\$1300	\$300	\$1600	07/22/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
MULPURI, SAVITRI	2812	438-022000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.	
<input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	

Gray Cary Ware & Freidenrich LLP

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Phosistor Technologies,
Incorporated

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Pleasanton, California

Please check the appropriate assignee category or categories (will not be printed on the patent) individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Commissioner is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 07-1896 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)	(Date)
<i>Kathleen LaBrie</i>	July 22, 2003

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

Attorney Docket No. 2103248-990140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Boon-Siew Ooi

Group Art Unit: 2812

Serial No.: 09/916,701

Examiner: Savitri Mulpuri

Filed: July 26, 2001

Gray Cary Ware & Freidenrich LLP
2000 University Avenue
East Palo Alto, CA 94303-2248Title: METHOD FOR SHIFTING THE BANDGAP
ENERGY OF A QUANTUM WELL LAYERCertificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST CLASS MAIL in an envelope addressed to: MS ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

July 22, 2003

Kathleen habrue

* * *

SUBMISSION OF FORMAL DRAWINGS

Attn.: Official Draftsperson

MS Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CUSTOMER SERVICE
PUBLISHING DIVISIONRECEIVED
AUG 16 2004

Dear Sir:

Applicant hereby submits thirteen (13) sheets of formal drawings in the above-identified patent application.

Please charge any fees for the submission of the formal drawings to Gray Cary Ware & Freidenrich LLP, deposit account 07-1896. A duplicate copy of this transmittal is enclosed if charge of additional fees is necessary.

GRAY CARY WARE & FREIDENRICH LLP

Dated July 22, 2003

By

Alan A. Limbach

Alan A. Limbach

Reg. No. 39,749

Attorney for Applicant(s)

Customer Number
26379

1/13

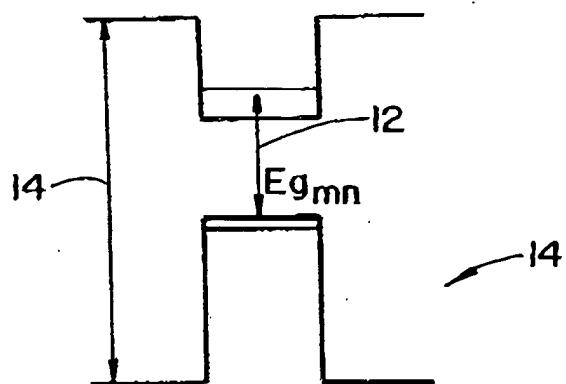


FIG. 1A.

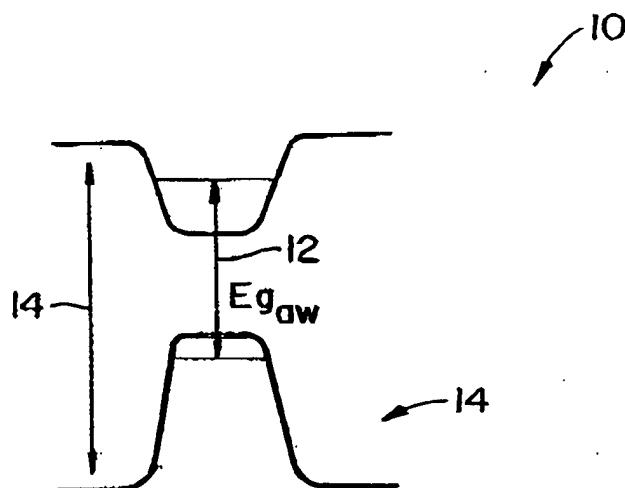
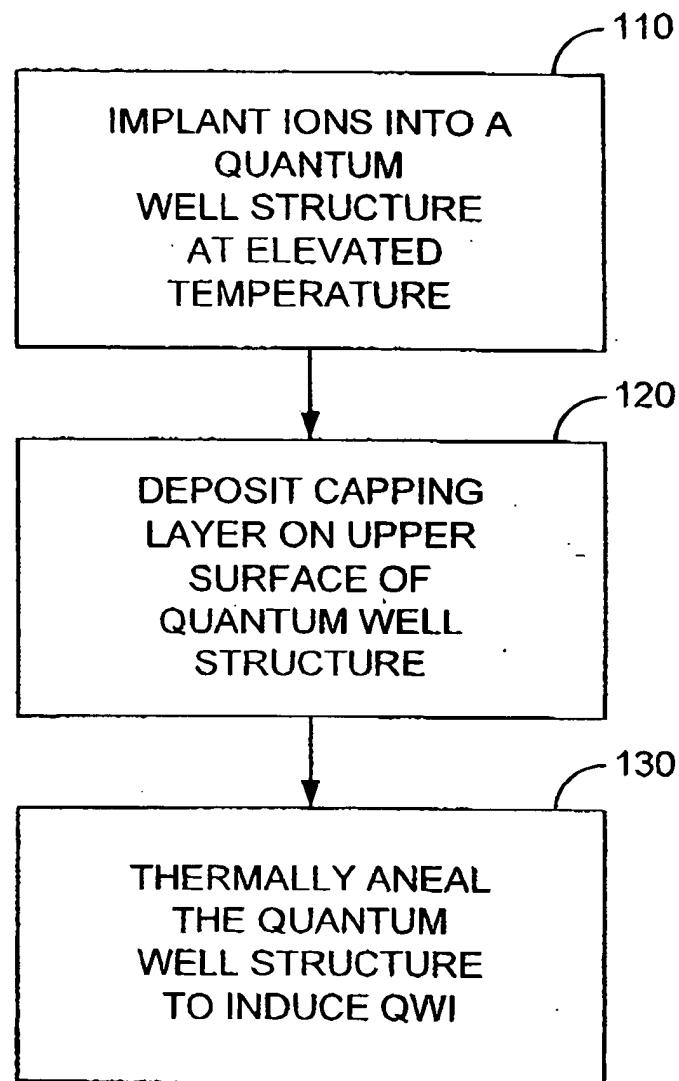


FIG. 1B.

2/13

**FIG. 2.**

3/13

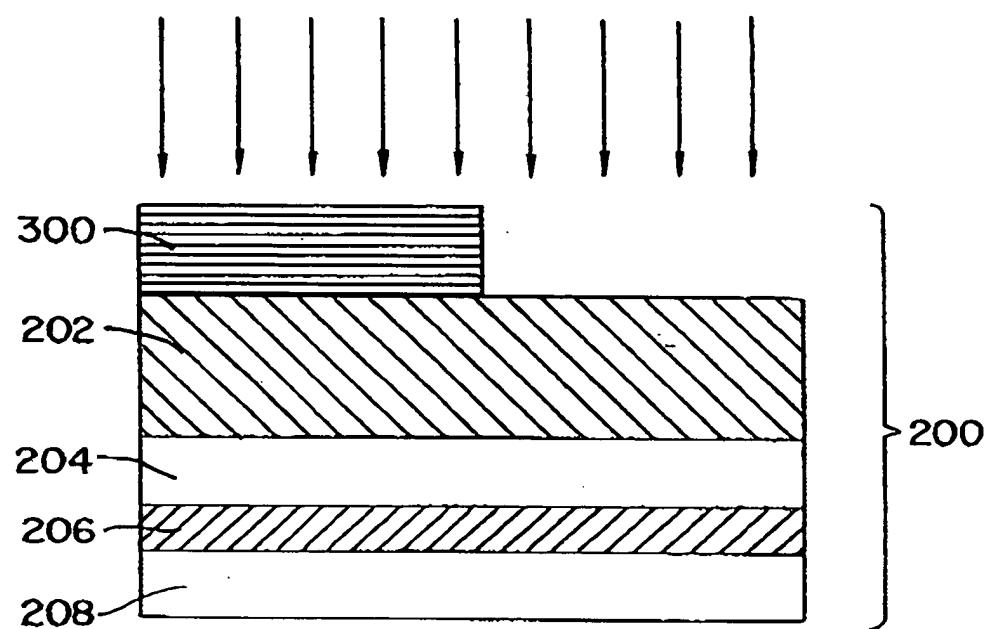
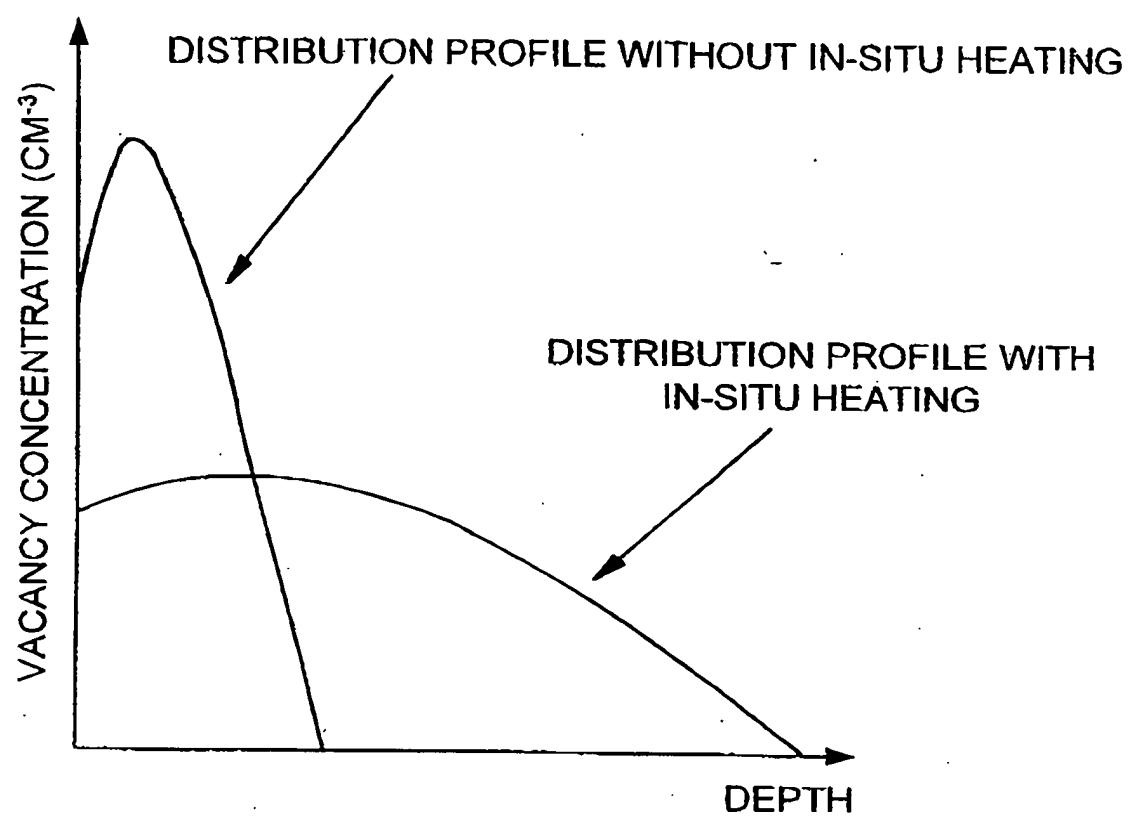


FIG. 3.

4/13

**FIG. 4.**

5/13

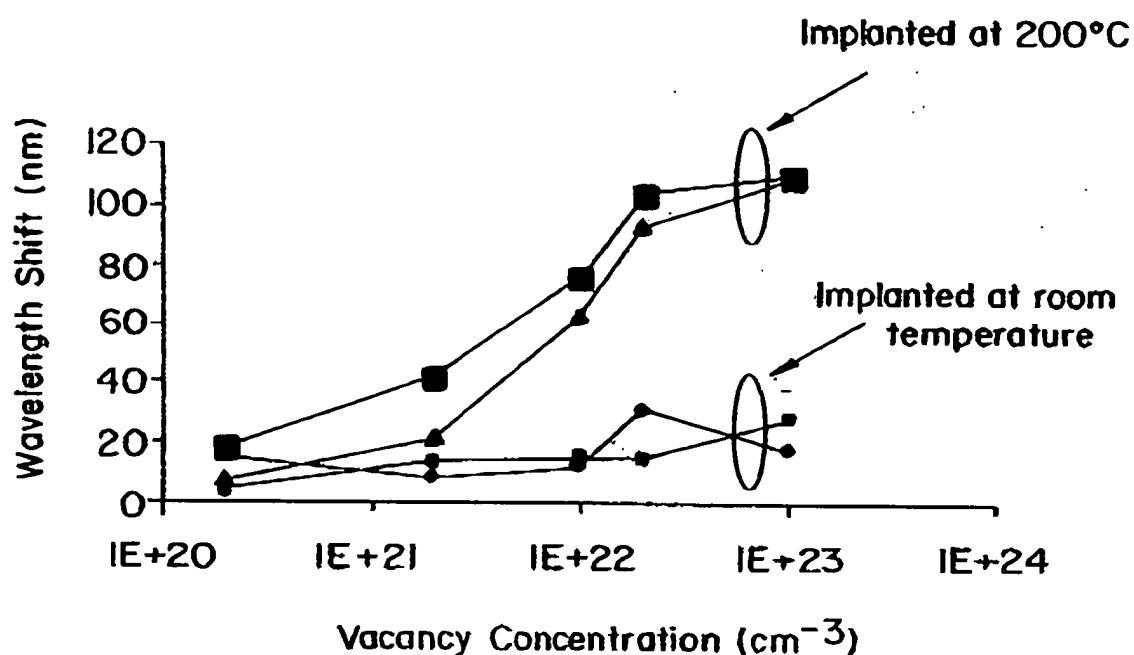


FIG. 5.



6/13

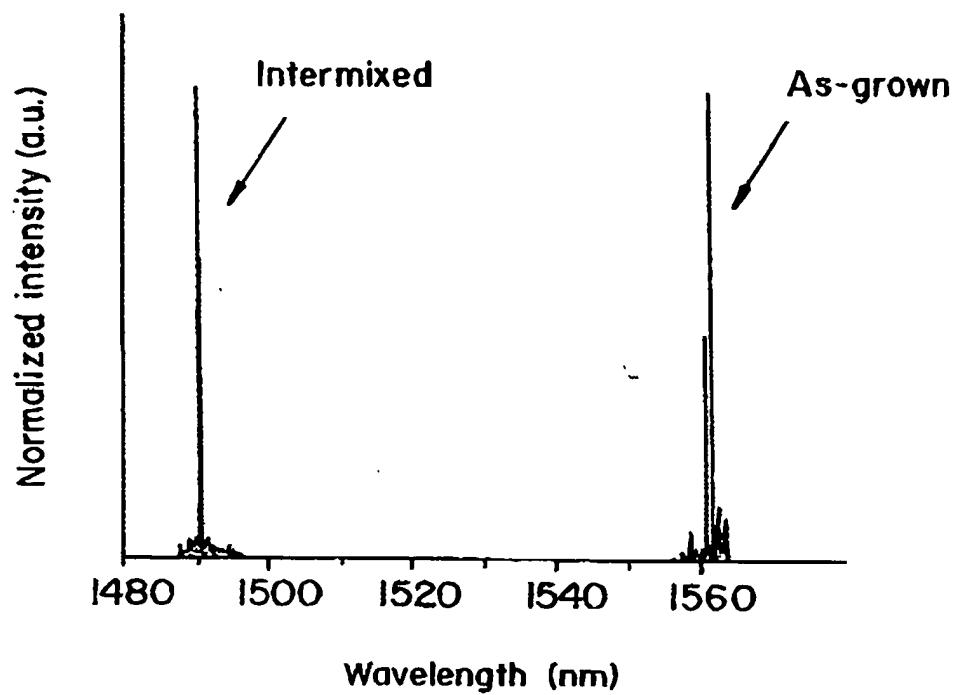


FIG. 6.

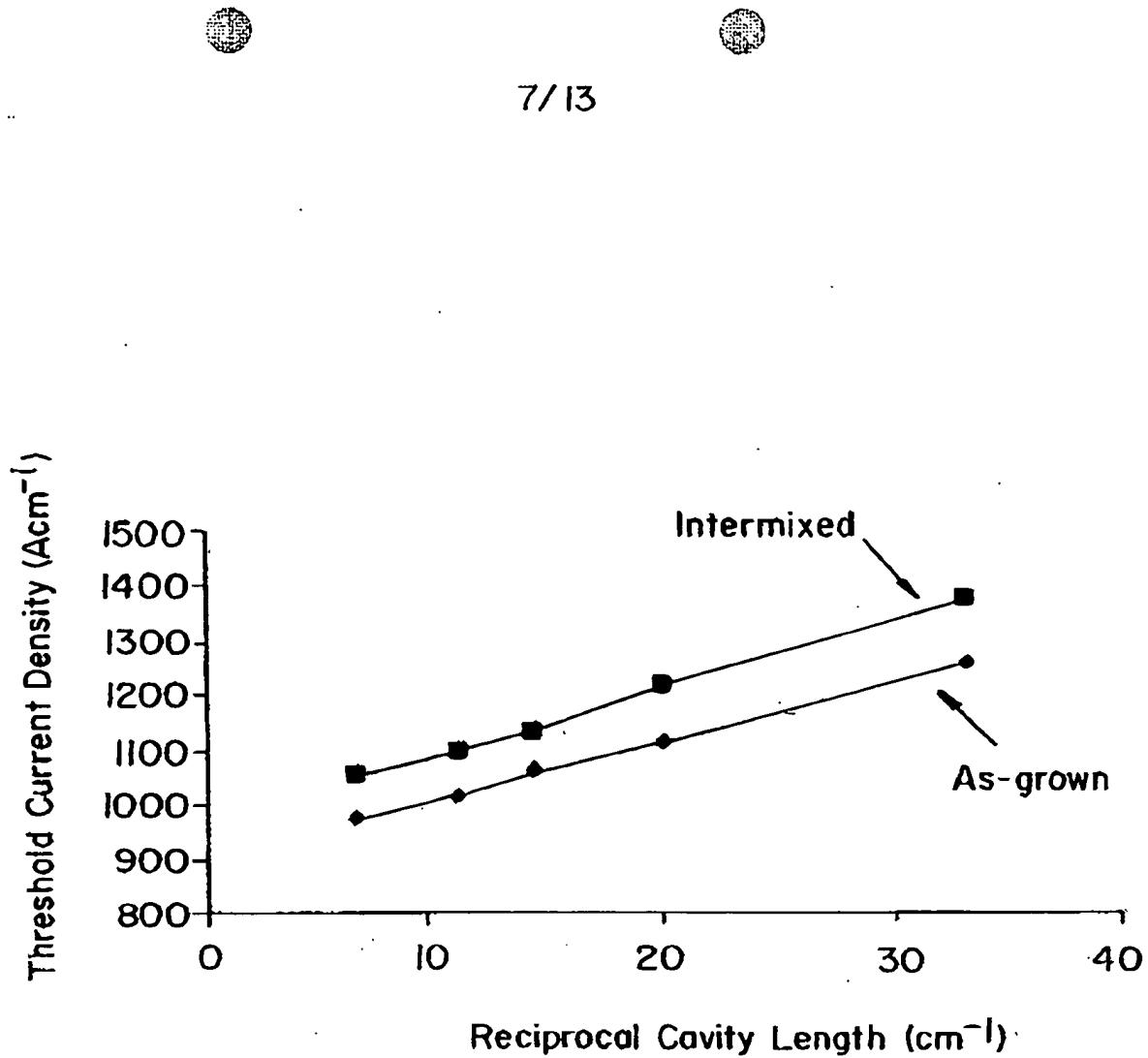


FIG. 7.

8/13

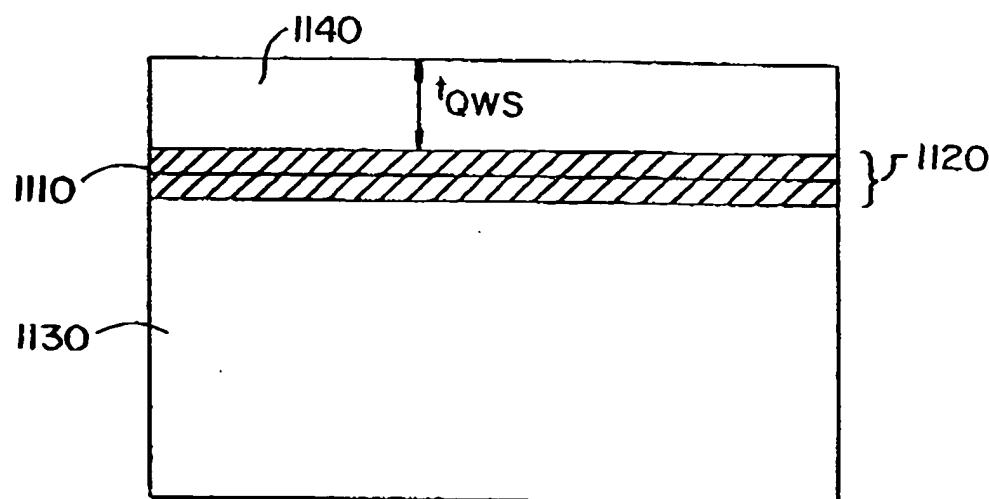


FIG. 8A.

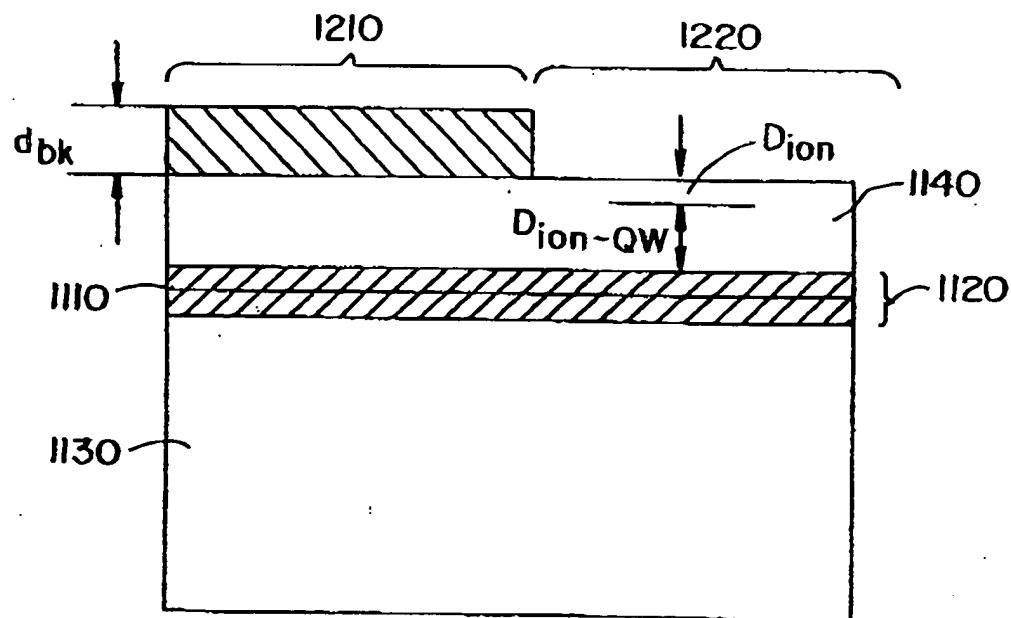
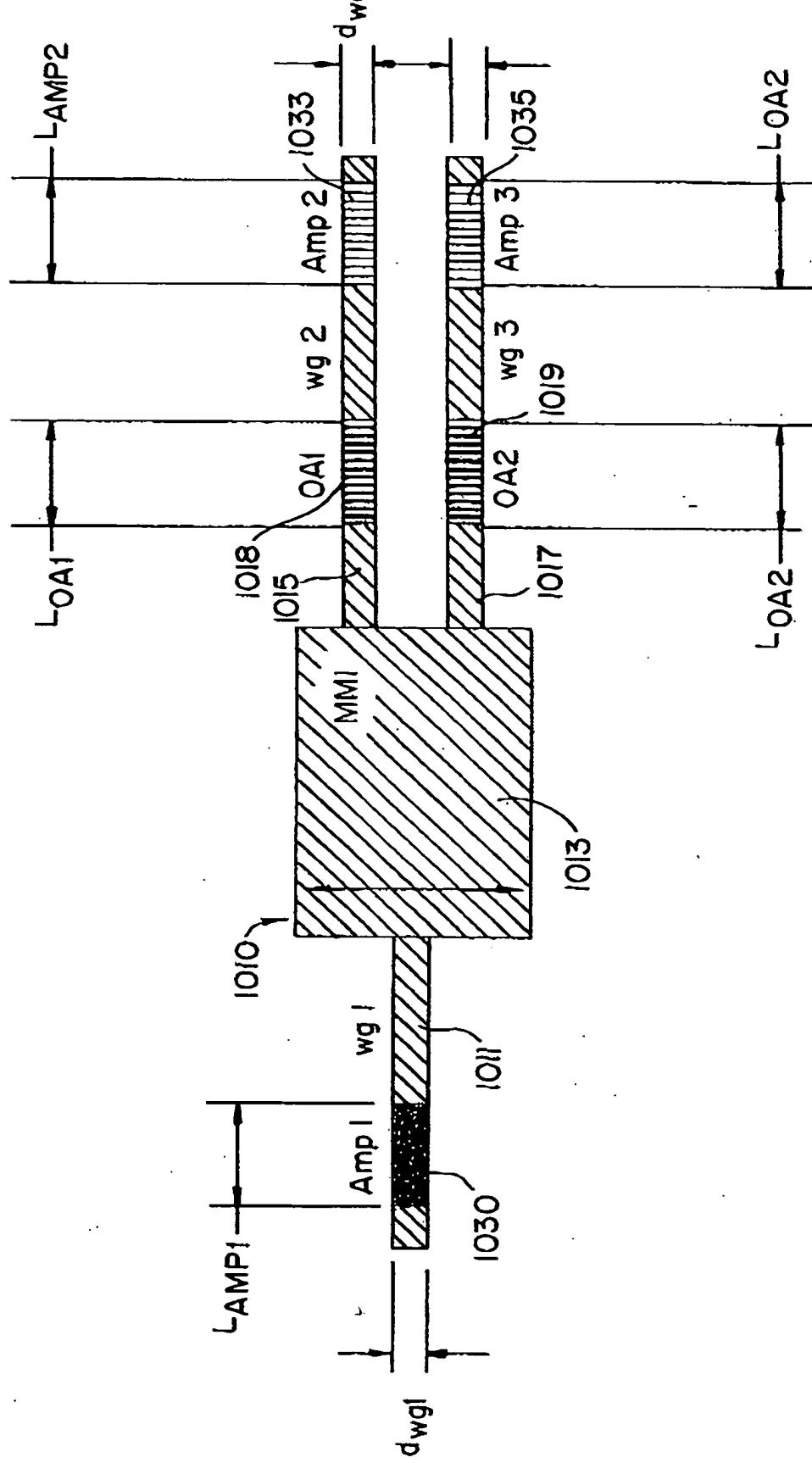


FIG. 8B.



F/G 9.

10/13

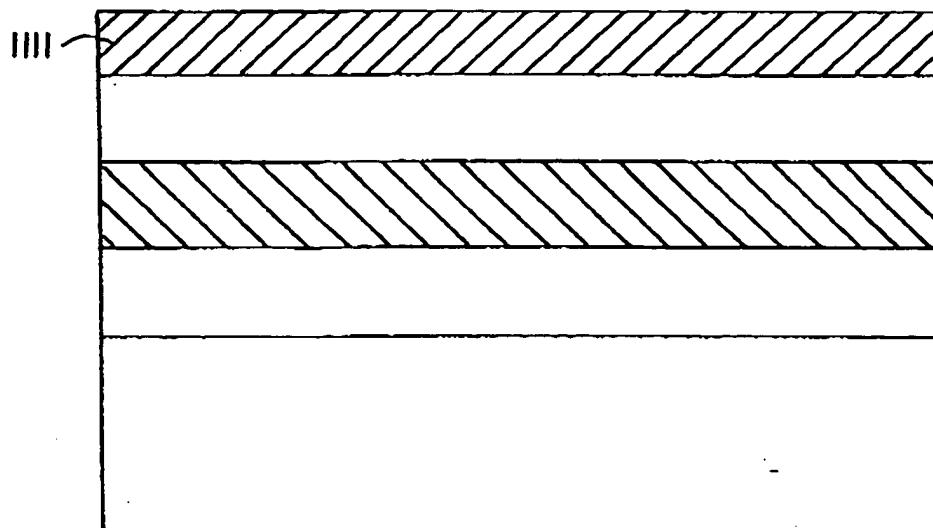


FIG. 10A.

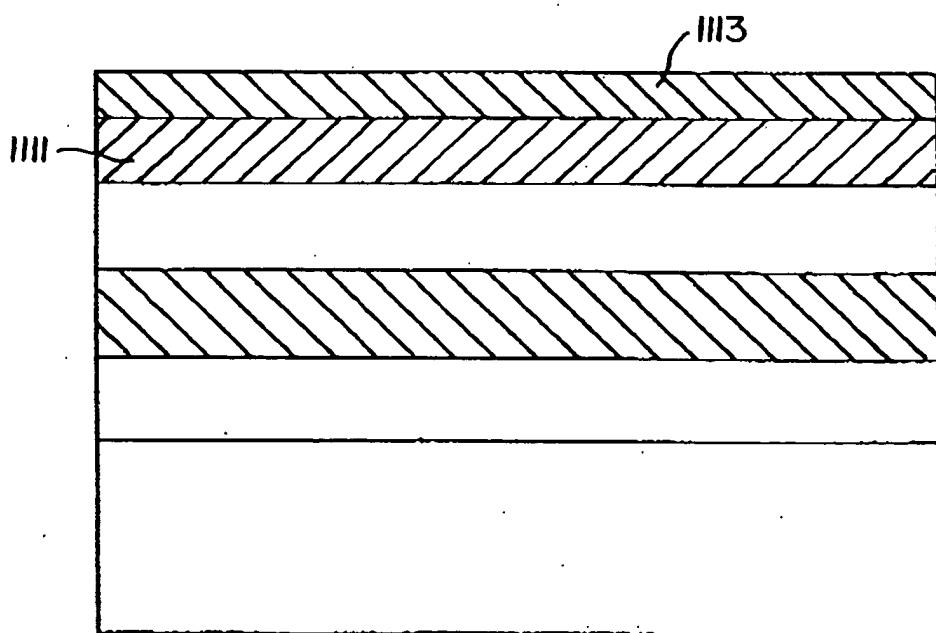


FIG. 10B.

11/13

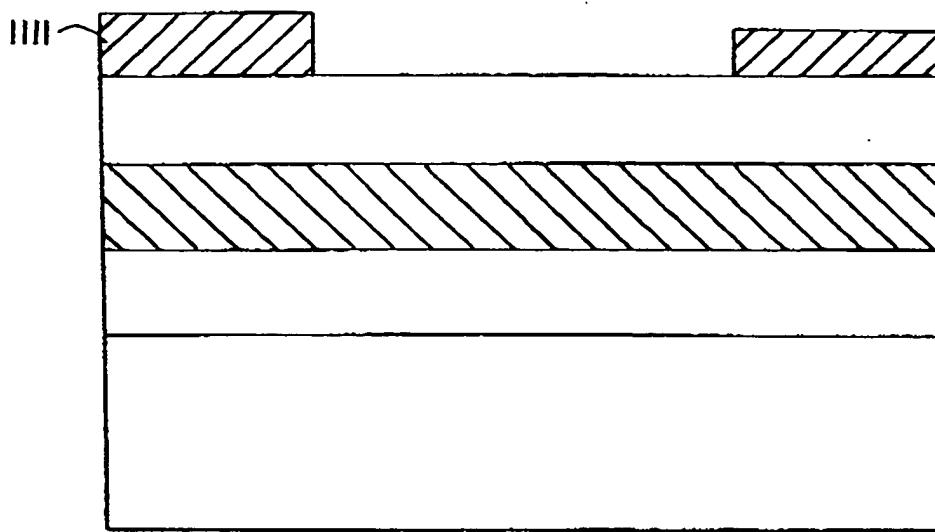


FIG. 10C.

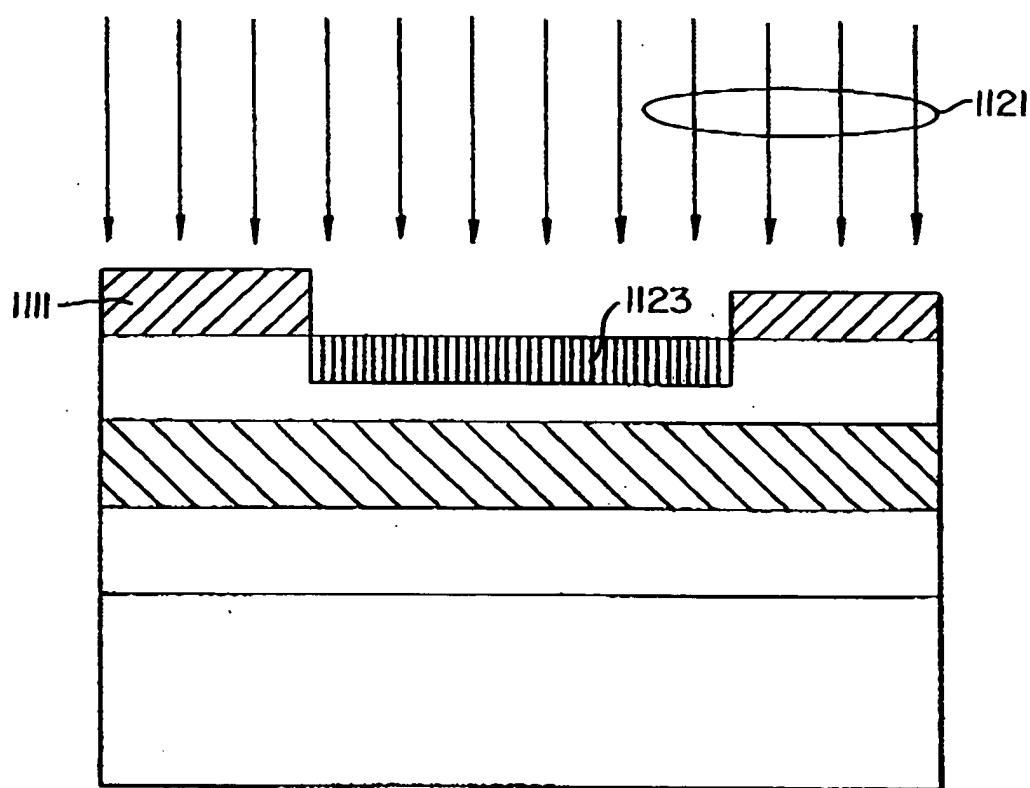


FIG. 10D.

12/13

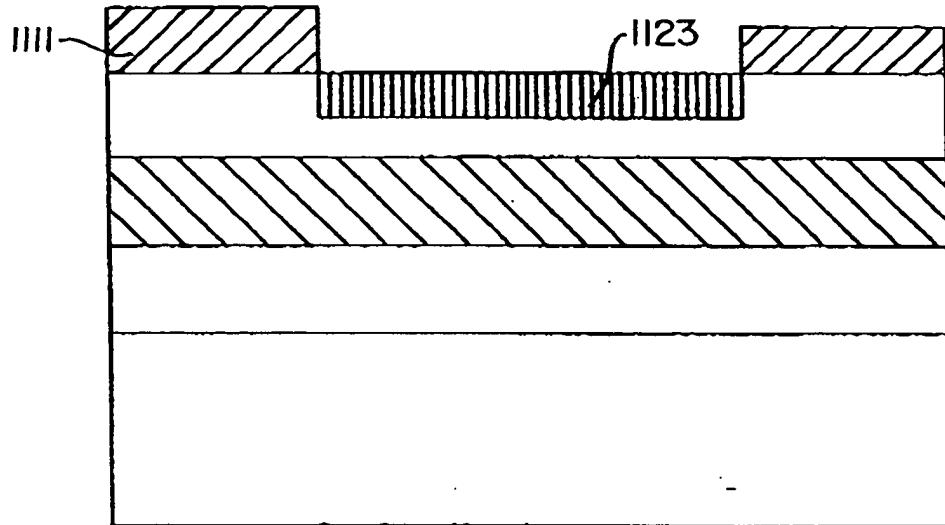


FIG. 10E.

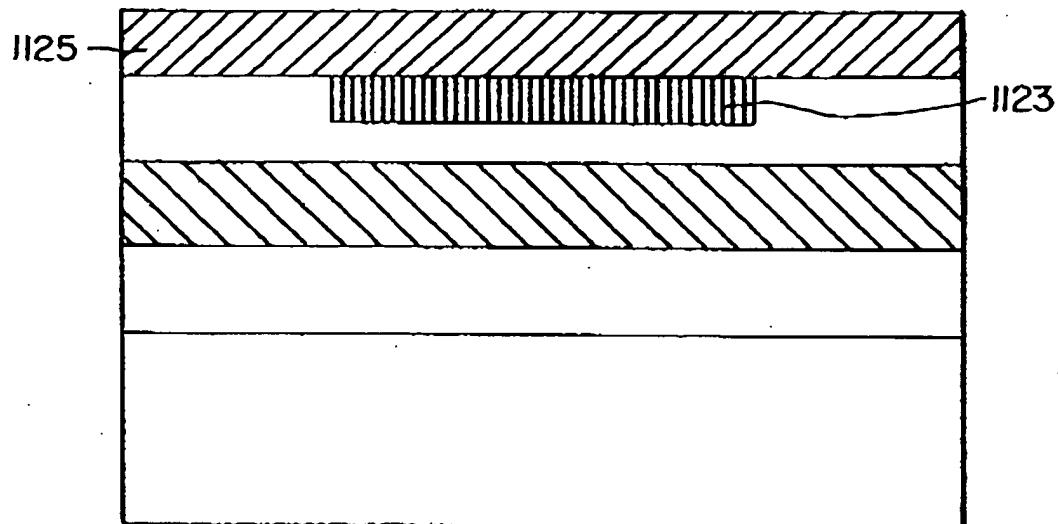


FIG. 10F.

13 / 13

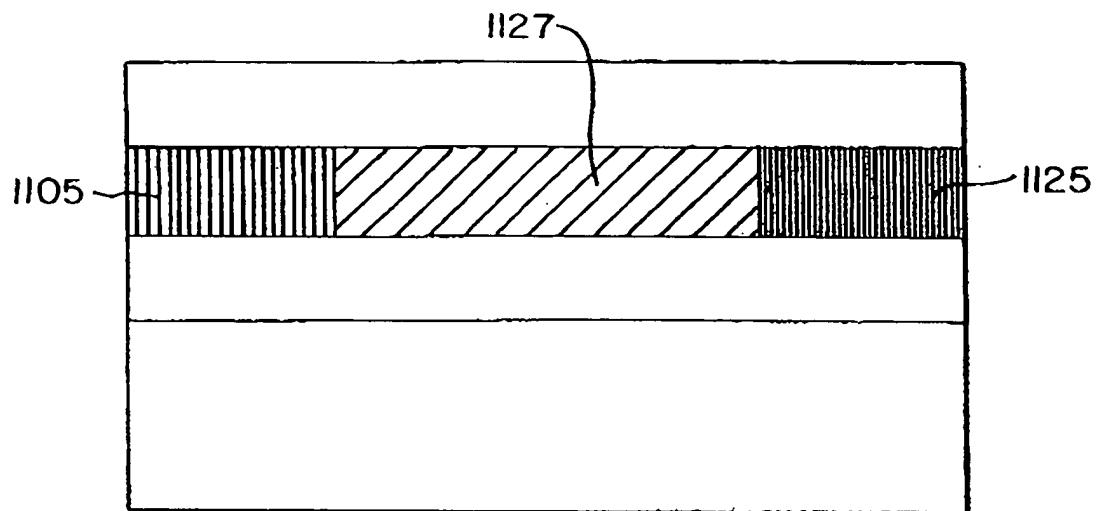


FIG. 10G.

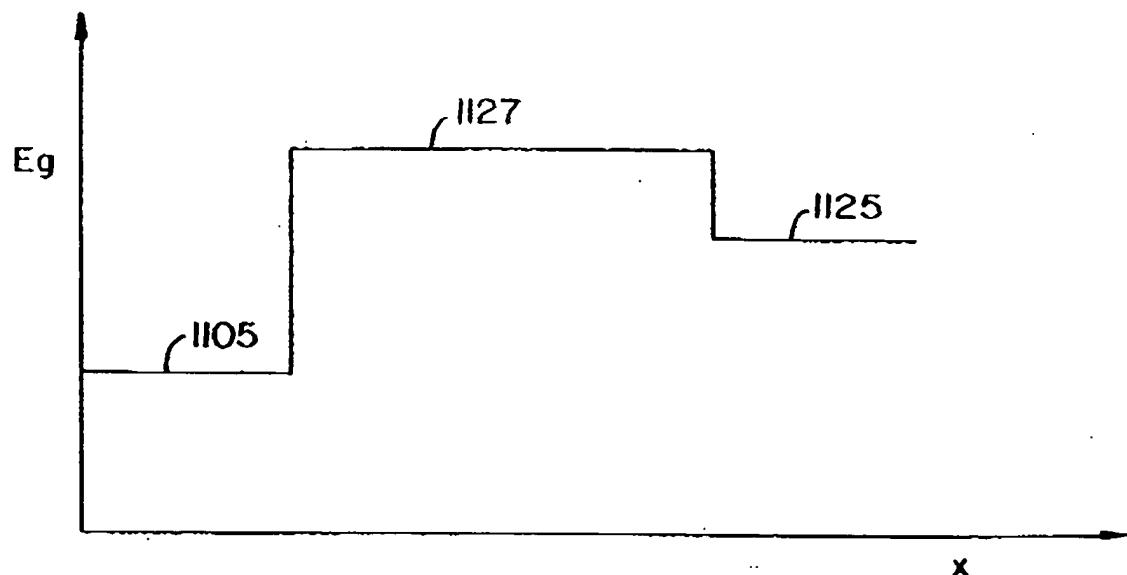


FIG. 10H.

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mailing Date: July 22, 2003
U.S. Serial No.: 09/916,701
Filing Date: July 26, 2001
Title: METHOD FOR SHIFTING THE BANDGAP ENERGY OF A QUANTUM WELL LAYER

Enclosed are:

- 1) Transmittal Form (in duplicate);
- 2) PTOL 85B Fee Transmittal (in duplicate);
- 3) Fee Transmittal FY 2003 (in duplicate);
- 4) Submission of Formal Drawings Transmittal (in duplicate);
- 5) 13 Sheets of Formal Drawings;
- 5) Check in the amount of \$ 950.00;
- 6) Certificate of First Class Mailing; and
- 7) Return Postcard.

2103248-990140 (Phosistor)

22260/AAL/kl

21
U.S.A.

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mailing Date: July 22, 2003
U.S. Serial No.: 09/916,701
Filing Date: July 26, 2001
Title: METHOD FOR SHIFTING THE BANDGAP ENERGY OF A QUANTUM WELL LAYER

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- 5) 13 Sheets of Formal Drawings;
- 5) Check in the amount of \$ 950.00;
- 6) Certificate of First Class Mailing; and
- 7) Return Postcard.

2103248-990140 (Phosistor)

22260/AAL/kl



RE: Petition to withdraw holding of abandonment for Patent 09/916,701, "Method for Shifting the Bandgap Energy of A Quantum Well Layer"

Dear Sir/Madam:

I called the paralegal of your "Office for Petition Examiner" and spoke to Mr. Tom Hawkins (703-305-8380) and he advised me to send you our document with respect to the above matter. Please process the enclosed document (total 26 pages).

We have been awaiting the award of the above patent that had been allowed on March 14, 2003. The patent office probably mistakenly abandoned the patent on ground that it did not receive our final set of drawings (See attached Document page 6) while we had actually sent them on time.

A petition to "withdraw holding of abandonment" was sent to the patent office to correct the error. This was sent by our patent lawyer Alan Limbach of Gray Cary on 9 September 03 (page 1 of enclosed Document) with the enclosure of a return postcard and document to show our timely mailing date of 22 July 03 (page 8 of enclosed Document). The letter showed our timely submittal and possible Patent Office error.

We have not heard from the Patent Office since and are eager to see the award of the patent. Please let me know if the patent will be awarded soon. In case there is any question, I can be contacted at 224-588-0958 (cell) or my assistant Dr. Jing Ma at 847-208-3918 at any time. Thanks.

Best regards,

Seng-Tiong Ho

120 Picardy Lane
Wheeling, IL 60090
224-588-0958

3 July 04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BOON-SIEW OOI et al.

Application No. 09/916,701

Filed: July 26, 2001

For: METHOD OF SHIFTING THE
BANDGAP ENERGY OF A QUANTUM
WELL LAYER

Group Art Unit: 2812

Examiner: SAVITRI MULPURI

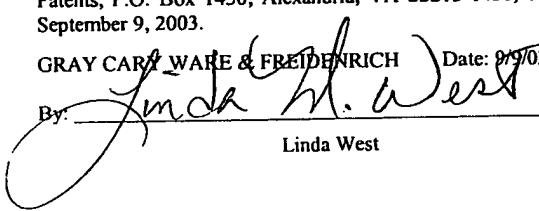
**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT**

2000 University Avenue,
East Palo Alto, CA 94303-2248
(650) 833-2000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450, on September 9, 2003.

GRAY CARPENTER, WARE & FREIDENRICH Date: 8/7/03

By: 

Linda West

Sir:

Applicants hereby petition to withdraw the holding of abandonment in the present application, as evidenced in the Notice of Abandonment mailed September 2, 2003 (copy submitted herewith).

According to the Notice of Abandonment, the present application was abandoned due to Applicants' alleged failure to timely file new formal drawings as required in the Notice of Allowability, namely that no new formal drawings were received.

Applicants submit that new formal drawings were indeed timely submitted in the present case. Submitted herewith is a true and correct copy of Applicant's response to the Notice of Allowance, which included:

1. Transmittal Form
2. PTOL 85B Fee Transmittal

3. Fee Transmittal.
4. Submission of Formal Drawings transmittal.
5. 13 Sheets of Formal Drawings.
6. Check for \$950.
7. Certificate of First Class Mailing
8. Return Postcard.

Also submitted herewith is a true and correct copy of the stamped postcard receipt, which is prima facie evidence under MPEP 503 of receipt in the USPTO of all items listed thereon, including the 13 sheets of formal drawings.

Therefore, it is respectfully requested that the abandonment of the present application be withdrawn.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH

Dated: Sept. 9, 2003

By: Alan A. Limbach

Alan A. Limbach
Reg. No. 39,749

Attorneys for Applicant(s)

TELEPHONE: (650) 833-2433 (direct line)
TELECOPY: (650) 833-2001

Gray Cary\EMV7149888.1
2103248-990140



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

AAL

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,701	07/26/2001	Boon-Siew Ooi	021040-000800US	9267

26379 7590 09/02/2003

GRAY CARY WARE & FREIDENRICH LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO, CA 94303-2248

EXAMINER

MULPURI, SAVITRI

ART UNIT	PAPER NUMBER
2812	P 14-12

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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GRAY CARY
WARE & FREIDENRICH

Mail Stop Issue Fee
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No. 2103248-990140

Mailed: September 9, 2003
U.S. Serial No. 09/916,701
Filed July 26, 2001

Enclosed are:

- 1) Transmittal Cover Sheet;
- 2) Petition to Withdraw Holding on Abandonment with Attachments; and
- 3) Return postcard.

2103248-990140 Phosistor Technologies AAL/lmw

Mail Stop Issue Fee
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mailed: September 9, 2003 Docket No. 2103248-990140
U.S. Serial No. 09/916,701
Filed July 26, 2001

Enclosed are:

- 1) Transmittal Cover Sheet;
- 2) Petition to Withdraw Holding on Abandonment with Attachments; and
- 3) Return postcard.

2103248-990140 Phosistor Technologies AAL/lmw



Mail Stop Issue Fee
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

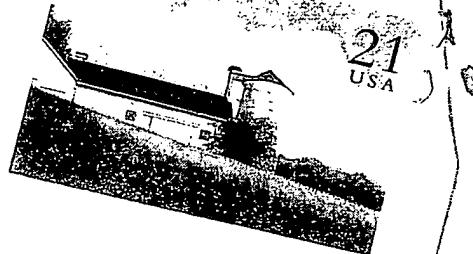
Docket No. 2103248-990140

Mailed: September 9, 2003
U.S. Serial No. 09/916,701
Filed July 26, 2001

Enclosed are:

- 1) Transmittal Cover Sheet;
- 2) Petition to Withdraw Holding on Aban
- 3) Attachments; and
- 3) Return postcard.

2103248-990140 Phosistor Technol



GRAY CARY
WARE & FREIDENRICH
LIMITED LIABILITY PARTNERSHIP
2000 University Avenue
East Palo Alto, CA 94303-2248

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/916,701
		Filing Date	July 26, 2001
		First Named Inventor	Boon-Siew Ooi et al.
		Group Art Unit	2812
		Examiner Name	Savitri Mulpuri
Total Number of Pages in This Submission	Attorney Docket Number	2103248-990140	

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Petition to Withdraw Holding of Abandonment
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

Customer Number or Bar Code Label

26379

(Insert Customer No. or Attach bar code label here)

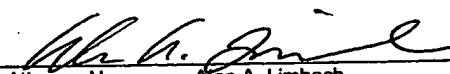
The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to
Deposit Account No. _____ A duplicate copy of this sheet is enclosed.

Respectfully submitted,

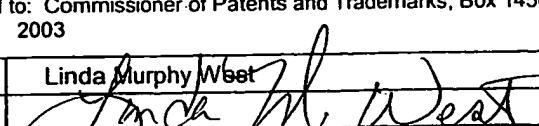
GRAY CARY WARE & FREIDENRICH LLP

Dated: September 9, 2003

By:


 Attorney Name Alan A. Limbach
 Reg. No. 39,749
 Attorneys for Applicant(s)
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Box 1450, Alexandria, VA on this date: September 9, 2003

Typed or printed name	Linda Murphy West	Date	September 9, 2003
Signature			

Gray Cary\EM\7149934.1
2103248-990140Gray Cary\EM\7149934.1
2103248-990140



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/1916, 701			

EXAMINER

ART UNIT	PAPER NUMBER
	P#12

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

Applicant's failure to timely file a proper response to the Office letter mailed on _____.

A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.

A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)

No response has been received.

Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.

The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.

The issue fee has not been received.

Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.

The proposed new formal drawings filed _____ are not acceptable.

No proposed new formal drawings have been received.

The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380

Respond to the Notice of Abandonment by one of the following:

Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f).

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA
22313-1450

By facsimile: 703-305-8755 or 703-305-4372

Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.

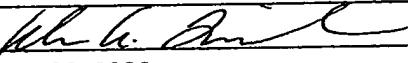
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/916,701
		Filing Date	July 26, 2001
		First Named Inventor	Boon Siew Ooi
		Art Unit	2812
		Examiner	Savitri Mulpuri
Total Number of Pages in This Submission	21	Attorney Docket Number	2103248-990140

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)	<input checked="" type="checkbox"/> Drawing(s) Formal - 13 sheets	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached - \$950.00	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Alan A. Limbach, Reg. No. 39,749 Gray Cary Ware & Freidenrich LLP
Signature	
Date	July 22, 2003

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Signature		Date
	July 22, 2003	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including the gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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26379 7590 04/22/2003

GARY CARY WARE & FREIDENRICH LLP
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Kathleen LaBrie

(Depositor's name)

Kathleen LaBrie

(Signature)

July 22, 2003

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,701	07/26/2001	Boon-Siew Ooi	021040-000800US	9267

TITLE OF INVENTION: METHOD FOR SHIFTING THE BANDGAP ENERGY OF A QUANTUM WELL LAYER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	<input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/> YES	\$1300	\$300	\$1600	07/22/2003
EXAMINER	ART UNIT	CLASS-SUBCLASS			
MULPURI, SAVITRI	2812	438-022000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

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"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

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Phosistor Technologies,
Incorporated

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Pleasanton, California

Please check the appropriate assignee category or categories (will not be printed on the patent)

individual corporation or other private group entity government

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4b. Payment of Fee(s):

Issue Fee

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(Date)

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Applicants: Boon-Siew Ooi

Group Art Unit: 2812

Serial No.: 09/916,701

Examiner: Savitri Mulpuri

Filed: July 26, 2001

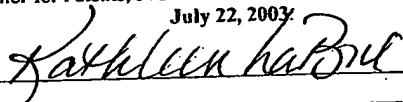
Gray Cary Ware & Freidenrich LLP
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Title: METHOD FOR SHIFTING THE BANDGAP
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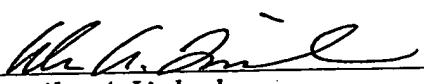
Dear Sir:

Applicant hereby submits thirteen (13) sheets of formal drawings in the above-identified patent application.

Please charge any fees for the submission of the formal drawings to Gray Cary Ware & Freidenrich LLP, deposit account 07-1896. A duplicate copy of this transmittal is enclosed if charge of additional fees is necessary.

GRAY CARY WARE & FREIDENRICH LLP

Dated July 22, 2003

By 

Alan A. Limbach

Reg. No. 39,749

Attorney for Applicant(s)

Customer Number
26379

1/13

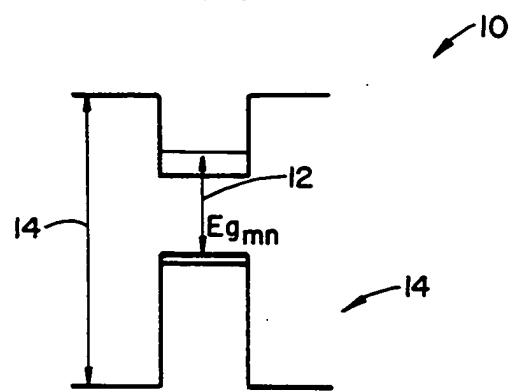


FIG. 1A.

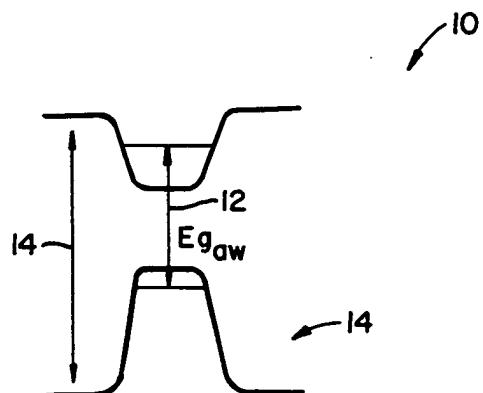


FIG. 1B.

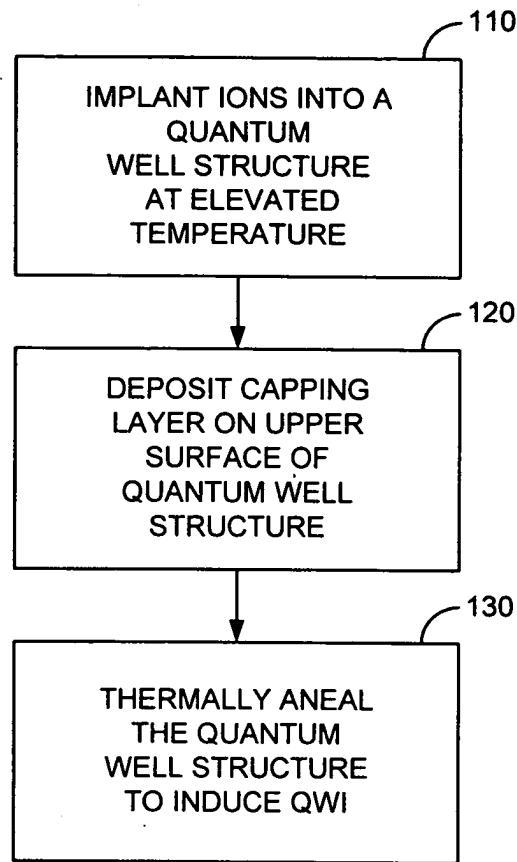


FIG. 2.

3/13

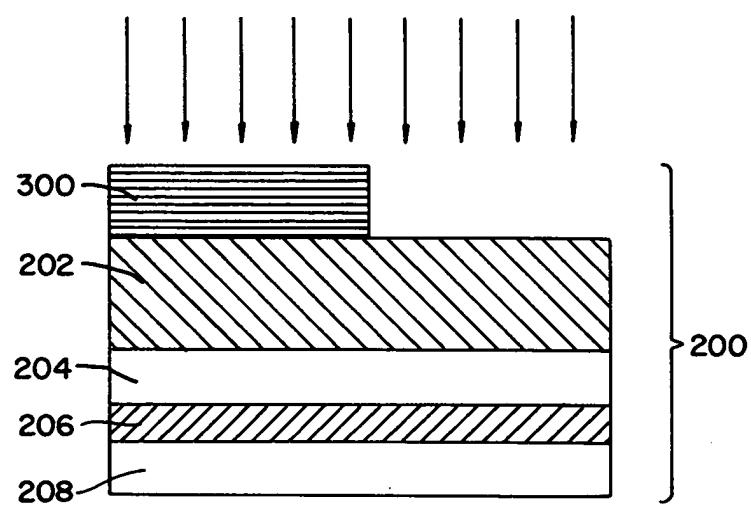


FIG. 3.

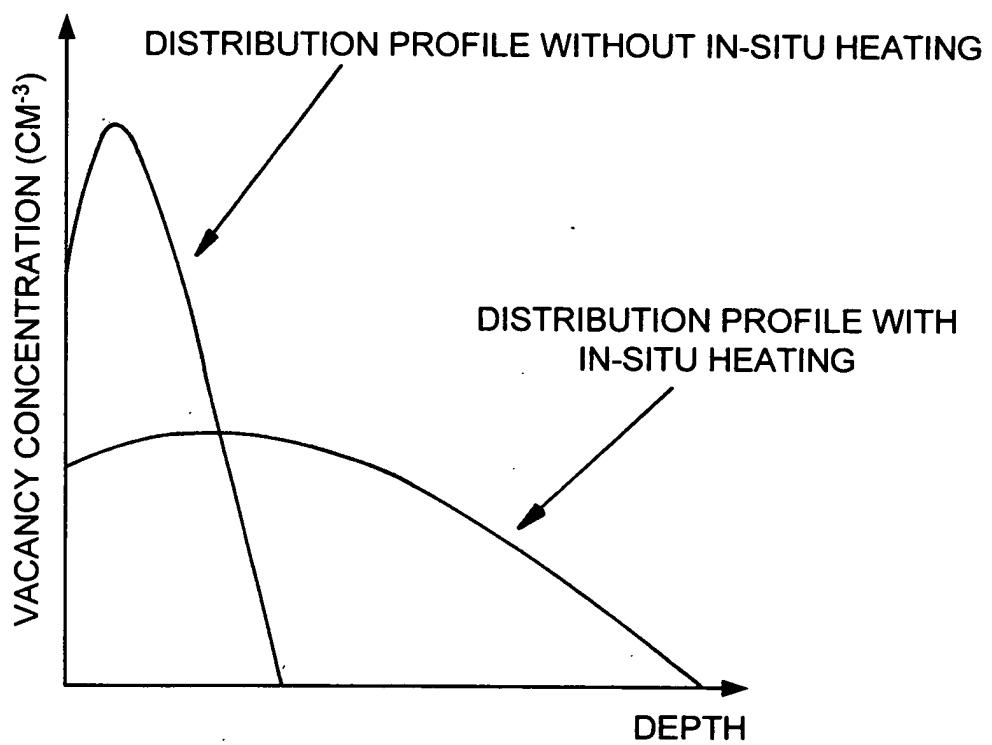


FIG. 4.

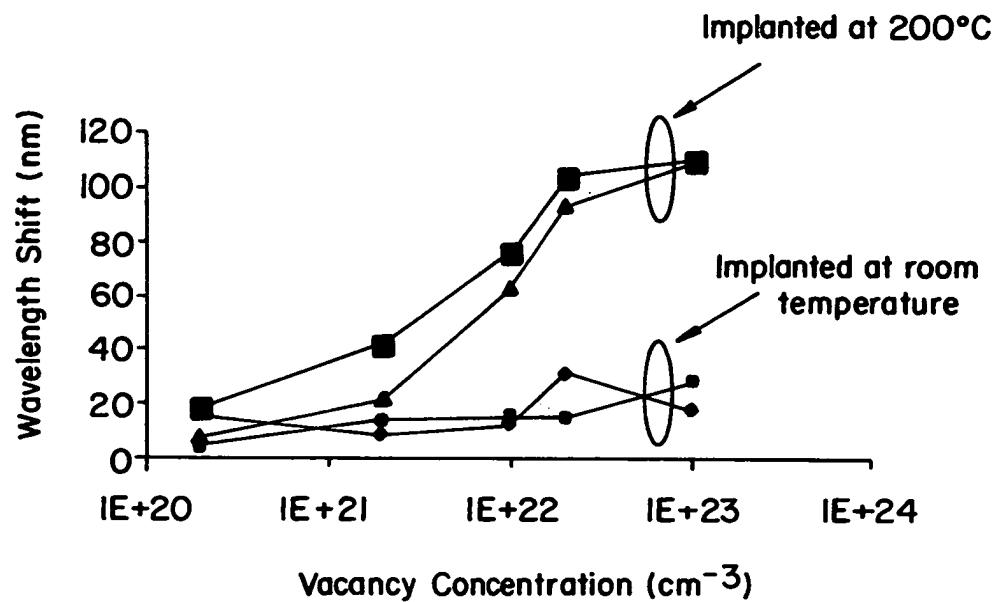


FIG. 5.

6/13

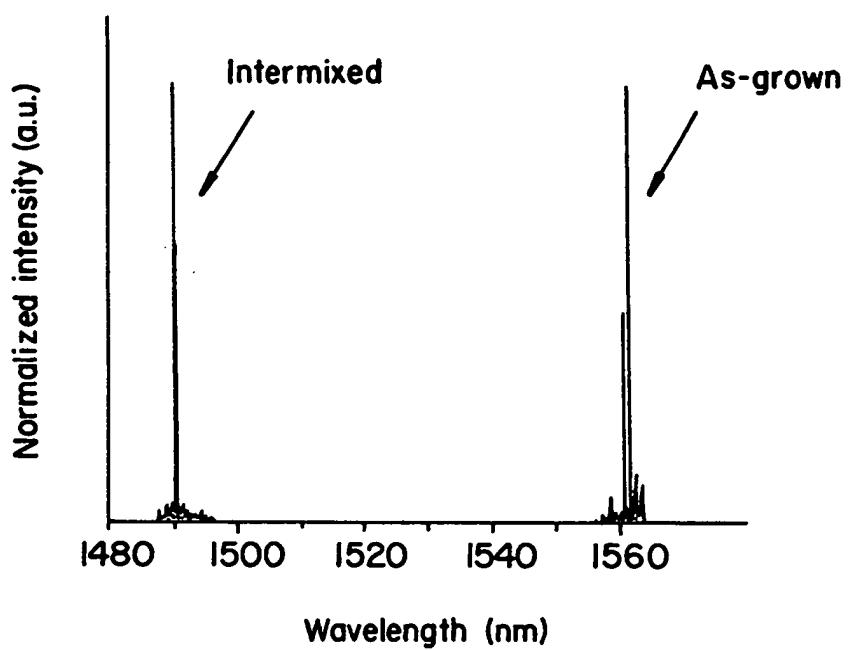


FIG. 6.

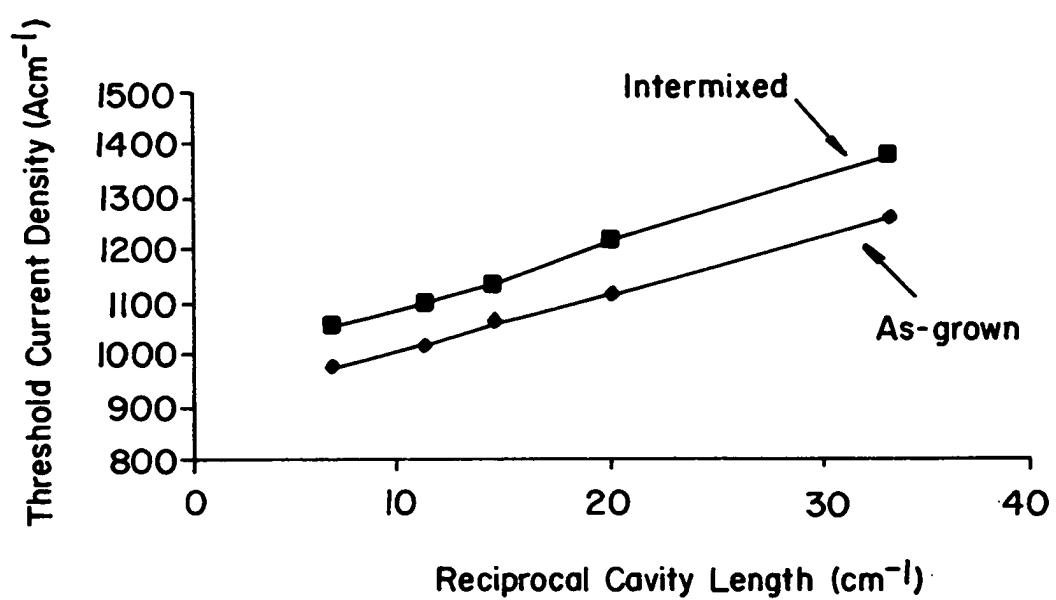


FIG. 7.

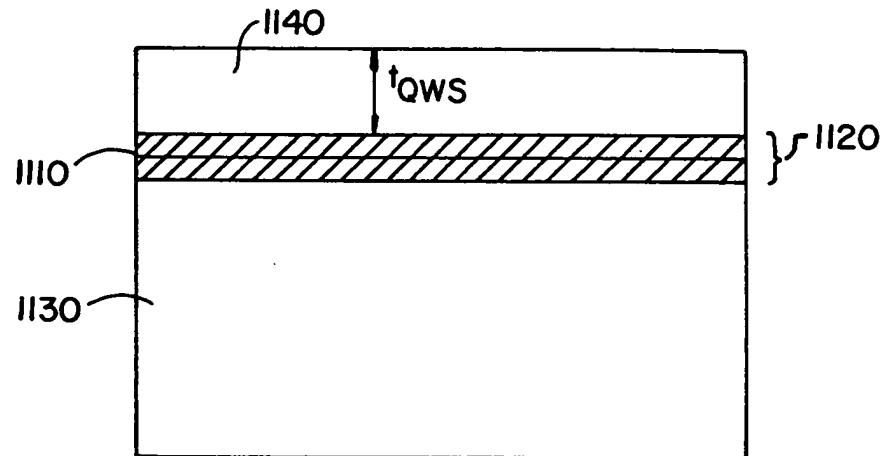


FIG. 8A.

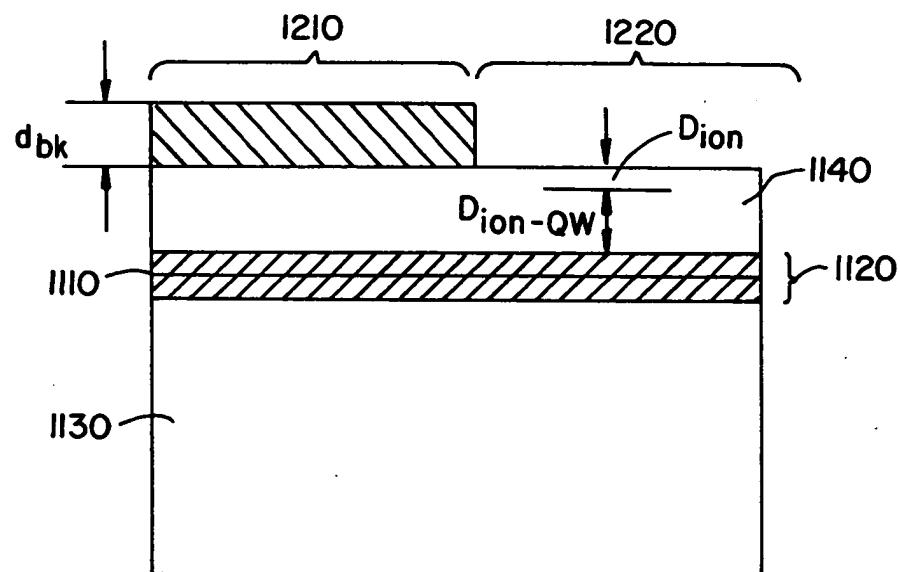


FIG. 8B.

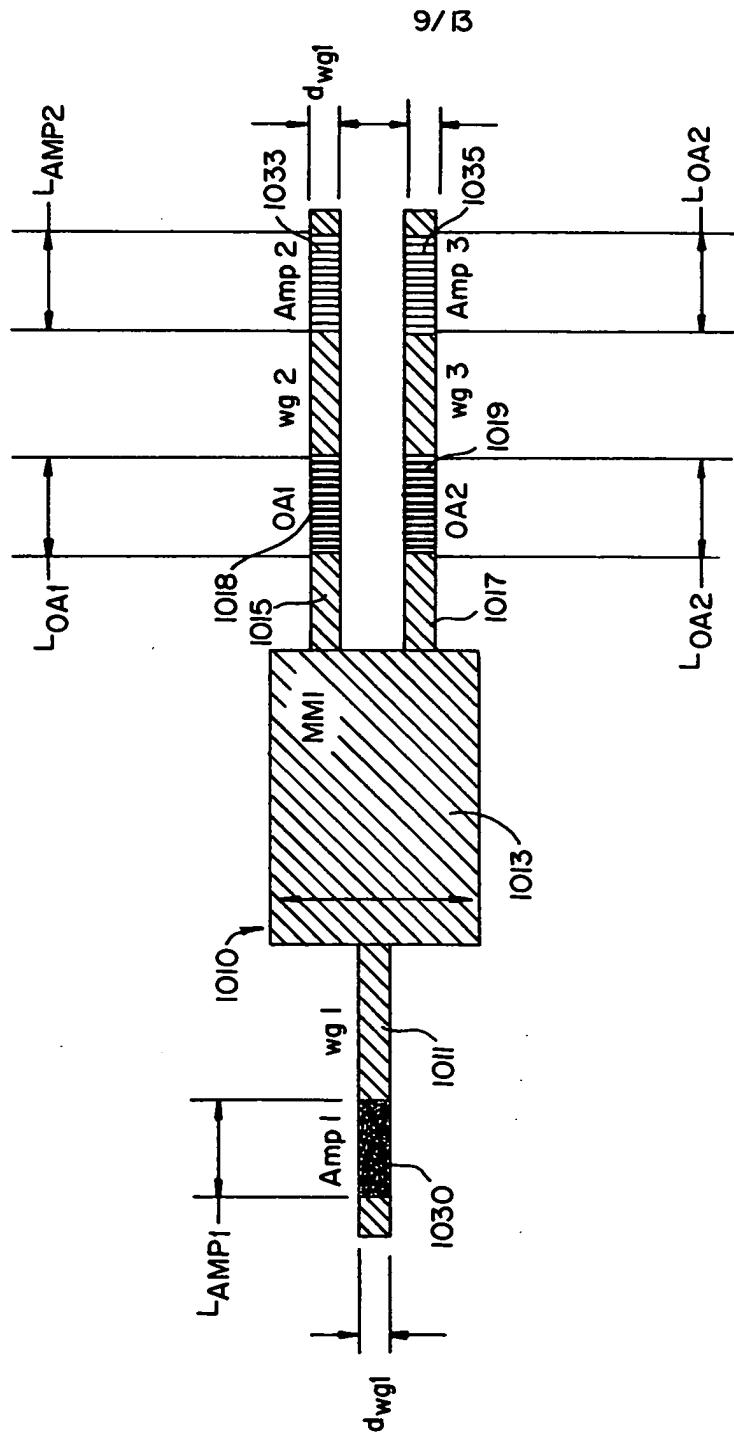


FIG. 9.

10/13

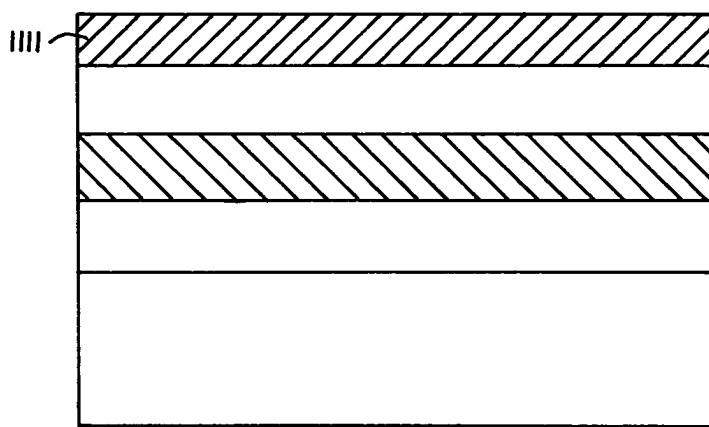


FIG. 10A.

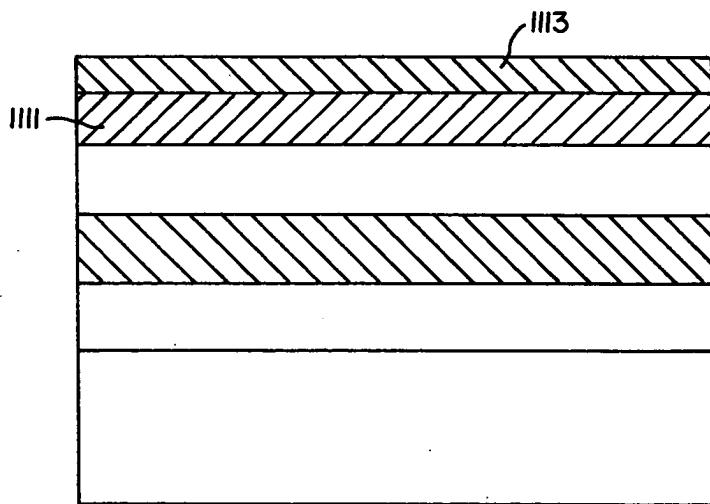


FIG. 10B.

II/13

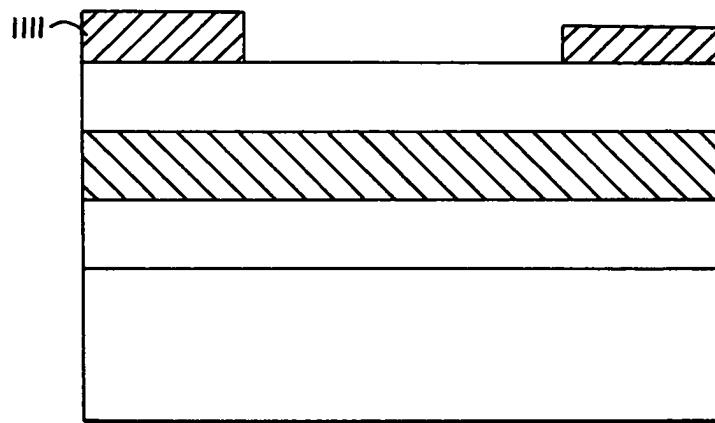


FIG. 10C.

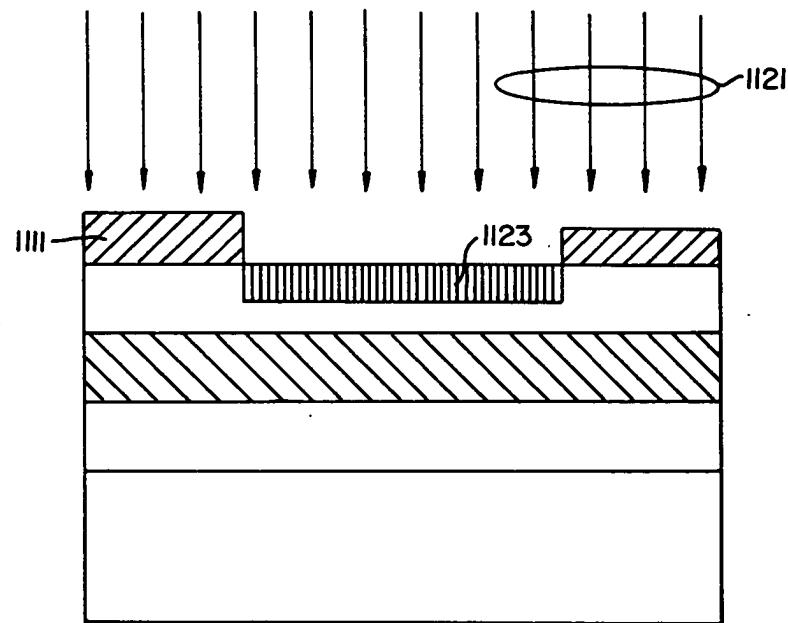


FIG. 10D.

12/13

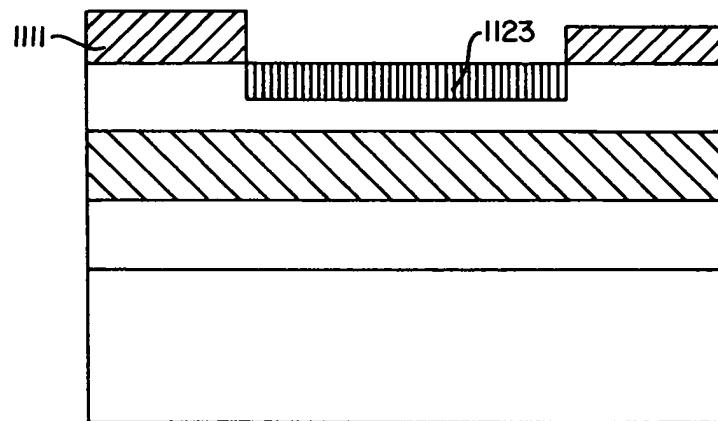


FIG. 10E.

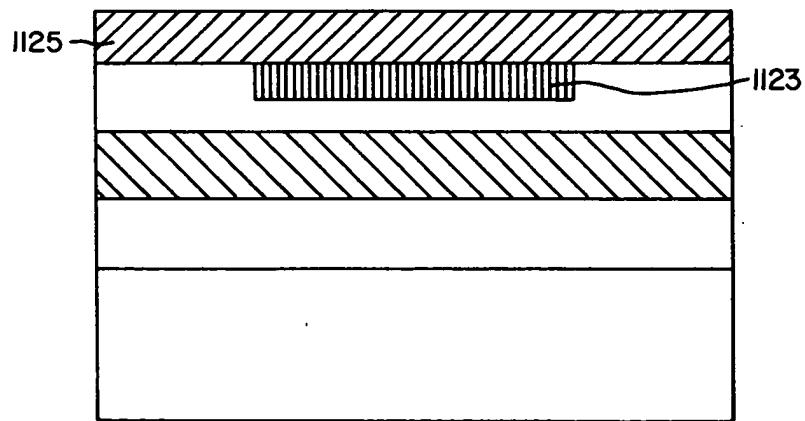


FIG. 10F.

13/13

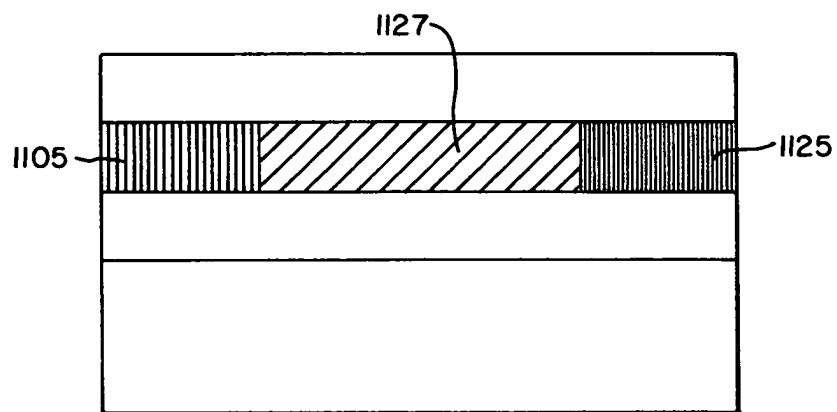


FIG. 10G

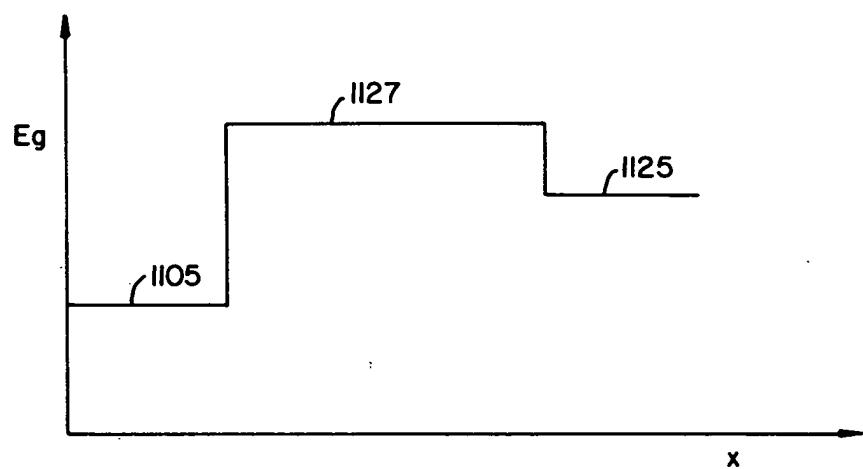


FIG. 10H.